

Zoning Administrator Hearing

Wednesday, August 7, 2024
10:00 AM

Join In-Person Meeting:
Community Development Small Meeting
Room, San Rafael City Hall
1400 Fifth Avenue, 3rd
Floor,
San Rafael, CA 94901

Join Virtual Meeting:
Zoom Website/App: <http://tinyurl.com/ZA-Hearing-2024>
or
Telephone: (669) 444-9171
Webinar ID: 827 0869 6241#

Agenda

1. 10 Ridgewood Drive, Environmental and Design Review and Variance – PLAN24-032

Request for an Environmental and Design Review Permit (ED24-025) to expand the existing upper story living space and relocate the garage partially below existing grade. The application requires a Variance to exceed the maximum upper story floor size for the R5 zoning district (V24-001).

2. Adjournment



SAN RAFAEL
THE CITY WITH A MISSION

**Community Development Department –
Planning Division**

Meeting Date: August 7, 2024

Project Number(s): ED24-032/V24-001
(PLAN24-032)

Project Planner:
Renee Nickenig, Associate Planner

Agenda Item: 1

REPORT TO ZONING ADMINISTRATOR

SUBJECT: **10 Ridgewood Drive.** Request for an Environmental and Design Review Permit to expand the existing upper story living space and relocate the garage partially below existing grade. The application also requires a Variance to exceed the maximum upper story floor size in the R5 zoning district.; APN: 010-032-05; Single-Family Residential (R5) Zoning District; ED24-032/V24-001 (PLAN24-032)

EXECUTIVE SUMMARY

Pursuant to San Rafael Municipal Code (SRMC) Section 14.25.0040.B.2.f., upper-story additions over 500 square-feet require a Minor Environmental and Design Review permit. The project will also exceed the maximum permitted upper-story floor size per SRMC 14.04.030, and so a Variance is also required.

PROJECT DESCRIPTION

The proposed project includes the relocation of the garage partially below the existing grade and the expansion of the primary living space above. The living space of the main level (upper story) will be expanded over the garage and a porch will be added at the front (west) entry resulting in approximately 710 square-feet of additional area. The project also includes a new dormer at the north but will not result in an overall height increase.

The proposed project includes the installation of new standing seam metal roofing (charcoal grey) and a combination of horizontal wood (painted medium grey) and vertical wood siding (painted dark grey). New windows (approximately 18 single and groupings) and doors (three) will be installed with a black finish, and the new garage door will be made of wood in a grey/brown finish.

The site will be newly landscaped with terracing at the front, new decking to replace the existing at the rear, and pavers around the property. A new six (6) foot tall fence will be installed at the west property line, and new landscape and site retaining walls will be installed at the west, south and east of the property not to exceed four (4) feet in height.

FINDINGS

CEQA Finding			
	Yes	No	
The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and none of the exceptions of Section 15300.2 apply.	X		Section 15301 (“Existing Facilities”) This project consists of modifications and additions to an existing single-family dwelling, not to exceed more than 50% of the existing building area.

Findings for Environmental and Design Review Permit (ED24-032)

Environmental and Design Review Permit (SRMC §14.25.090)			
	Yes	No	
Finding A			
That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:	X		The proposed project supports the continued use of a single-family residential property with a General Plan designation of Low Density Residential (LDR).
Finding B			
The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:	X		If approved, the project will be in substantial conformance with the property development standards for the R5 single-family residential district (SRMC Section 14.04.030), including setbacks, height, and lot coverage. A Variance is being considered which would permit the main living floor to exceed the maximum permitted upper-story floor size for the R5 district. See Findings for Variance in table below.
Finding C			
That the project design minimizes adverse environmental impacts:	X		The relocation of the garage will give more direct access to the public street and will be set back the required 20 ft. pursuant to SRMC Section 14.04.030 (B).
Finding D			
That the project design will not be detrimental to the public health, safety or welfare, nor materially	X		As conditioned, the project will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare in that it will be

injurious to properties or improvements in the vicinity.			built to comply with all related building, fire and all zoning code development standards.
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Findings for Variance (V24-001)

Variance (SRMC §14.23.070)			
	Yes	No	
Finding A			
That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;	X		The property is situated on an uphill slope, but is not a designated hillside property. As such, the property development standards available for hillside properties which account for hillside site conditions are not available for this property, and the privileges provided to other properties in the R5 district are not afforded to this property due to the situation of the main level of the residence above another story.
Finding B			
That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated;	X		This is a unique property in which the primary structure is split on the existing slope. As such, what is defined as the “upper story” acts also as the ground level for the majority of the living space. The majority of properties with the R5 zoning designation have a much less severe slope.
Finding C			
That granting the variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located;	X		The use of the property as a single-family residence is permitted by right in the R5 Zoning District.
Finding D			
That granting the application will not be detrimental or injurious to property or improvements	X		As conditioned, the project will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare in that it will be built to

in the vicinity of the development site, or to the public health, safety or general welfare.			comply with all related building, fire and all zoning code development standards.
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PUBLIC COMMENT

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. No public comment has been received by the date of this staff report.

CONDITIONS OF APPROVAL

Standard Conditions of Approval

1. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit. Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable.
2. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or other remedies.
3. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented to the Zoning Administrator on the meeting dated August 7, 2024 shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Director. Modifications deemed not minor by the Director may require review and approval as an amendment to the Environmental and Design Review Permit.
4. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to any construction, tenant improvement or installation of signage, the applicant shall identify and secure all applicable permits from the Planning and Building Divisions, Public Works Department and other affected City divisions and departments.
5. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction

workers, paying of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.

6. Discovery of Cultural, Archaeological or Paleontological Resources or Human Remains. If, during the course of construction potential resources or remains are found: All work is to stop within 100 feet of the finding and may not continue until the appropriate action listed below is satisfied.
 - A. If it is a cultural, archaeological or paleontological resource: the City of San Rafael and a qualified archeologist are to be notified immediately. The qualified archeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archeologist, FIGR and Planning staff.
 - B. If human remains are encountered during any project-related activity, all work is to halt within 100 feet of the project and the project sponsor shall contact both Planning staff and the County Coroner. If the County Coroner determines that the human remains are of Native American origin, the Planning staff shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains.
7. Notice of Fees Protest The applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. Per California Government Code Section 66020, this 90-day protest period has begun as of the date of the approval of this application.

Conditions of Approval for ED24-032

1. Approved Project. This Environmental and Design Review Permit (ED24-032) and Variance (V24-001) conditionally approves the expansion of the existing upper story living space and relocation of the garage partially below existing grade at 10 Ridgewood Drive. Plans submitted for building permit shall be in substantial conformance to the approved plans dated May 9, 2024, with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by the Community Development Department, Planning Division. Modifications deemed greater than minor in nature by the Community Development Director shall require review and approval by the Zoning Administrator. For purposes of this conditions of approval document, "building permit" shall mean any permit issued for construction, demolition, excavation, grading or any earth disturbing work requiring a permit.
2. Term of Approval. This Environmental and Design Review Permit (ED24-032) and Variance (V24-001) shall be valid for two years from approval or until August 15, 2026 and shall be null and void if a building permit is not exercised or a time extension granted prior to the expiration date. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
3. Landscaping Shall Be Maintained. All landscaping included in this project approval shall be maintained in good condition in perpetuity and any dead or dying plants, bushes, or trees

shall be replaced with new healthy stock of a size compatible with the remainder of the growth at the time of replacement to the satisfaction of the Director.

4. Mechanical Equipment to be Screened. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division prior to issuance of a building permit.
5. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
6. Building Permit. Prior to the commencement of work, a building permit shall be obtained from the Building Division.
7. Colors, Materials, and Lighting. Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with San Rafael Municipal Code Section [14.16.227](#), subject to review and recommendation by the Police Department, Public Works Department, and Community and Economic Development Department.
8. Rooftop Equipment. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See [Chapter 14.16](#) for exclusions to maximum height requirements and [Chapter 14.25](#) for design review requirements.
9. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with San Rafael Municipal Section [14.16.140](#) and must be immediately removed upon completion of the construction authorized by the building permit.
10. Approved Materials and Colors. The approved materials and colors for the project shall be indicated on project plans submitted for building permit and implemented in the field. Any changes in materials or colors shall be subject to prior review and approval by the City Planning Division, and a determination as to whether the change is major or minor. Any changes to the approved materials or colors shall be clearly indicated on plans and receive written verification that this change has been reviewed and approved by the Planning Division.